

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
TUESDAY, AUGUST 29, 2006**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, August 29, 2006 in the City Hall Kiva at 5:11 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Jim Lane
Council Members Betty Drake, Wayne Ecton, Robert Littlefield,
Ron McCullagh and Tony Nelssen

Also Present: City Manager Jan Dolan
City Attorney Deborah Robberson
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE - Explorer Scouts Ryan Lagana and Adriana Carlos of Post 908

INVOCATION - None

PRESENTATIONS/INFORMATION UPDATES - None

MINUTES

SPECIAL MEETINGS
August 8, 2006

EXECUTIVE SESSIONS
June 20, 2006

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF THE EXECUTIVE SESSION MINUTES OF JUNE 20, 2006, AND THE SPECIAL MEETING MINUTES OF AUGUST 8, 2006. COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

PUBLIC COMMENT

Eric Borowsky, 22214 N La Senda Dr, 85255, reviewed information that can be found on the No on 401 website and cited several newspaper articles. Mr. Borowsky urged voters to vote no on Proposition 401.

John Nichols, 10450 E Desert Cove, 85259, prompted citizens to review information on his group's website and to vote yes on Proposition 401.

Judith Reisman, Institute for Media Education, 11445 E Via Linda, Ste 2-224, spoke in support of Proposition 401, and urged that ownership records of sexually-oriented businesses be made available to the public.

CONSENT AGENDA ITEMS 1-29B

ITEM 29 WAS PULLED FROM CONSENT AGENDA FOR SEPARATE DISCUSSION. ITEM 25 WAS CONTINUED.

1. **Ruth's Chris Steakhouse Permanent Extension of Premises**
 Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises for an existing restaurant.
 Location: 7001 N. Scottsdale Road
 Reference: 25-EX-2005
 Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

2. **Albertson's No. 955 (Liquor Store) Liquor License**
 Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
 Location: 2785 N. Scottsdale Road
 Reference: 50-LL-2006
 Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. **Albertson's Express No. 955 (Beer and Wine Store) Liquor License**
 Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing convenience store.
 Location: 2865 N. Scottsdale Road
 Reference: 51-LL-2006
 Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

- 4. Albertson's No. 969 (Liquor Store) Liquor License**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
Location: 15660 N. Frank Lloyd Wright Boulevard
Reference: 54-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 5. Albertson's No. 966 (Liquor Store) Liquor License**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
Location: 6965 N. Hayden Road
Reference: 55-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 6. Albertson's No. 983 (Liquor Store) Liquor License**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
Location: 11475 E. Via Linda
Reference: 56-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 7. Albertson's No. 979 (Liquor Store) Liquor License**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing grocery store.
Location: 34442 N. Scottsdale Road
Reference: 57-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov
- 8. e4 (Bar) Liquor License**
Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a new series 6 (bar) liquor license for an existing location that is currently operating with a series 12 (restaurant) liquor license.
Location: 4282 N. Drinkwater Boulevard
Reference: 58-LL-2006
Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

9. Indian Paradise (Restaurant) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 15111 N. Hayden Road, Suite 180

Reference: 59-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

10. Mardi Gras Bar & Grill (Bar) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location.

Location: 8040 E. McDowell Road

Reference: 60-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

11. Hiro-Sushi (Restaurant) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 9393 N. 90th Street, Suite 116

Reference: 61-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

12. Grocery Station (Beer and Wine Store) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing location.

Location: 10810 E. Via Linda

Reference: 62-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

13. CVS Pharmacy No. 9328 (Liquor Store) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.

Location: 7901 E. Thomas Road

Reference: 63-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

14. CVS Pharmacy No. 9264 (Liquor Store) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.

Location: 23215 N. Pima Road

Reference: 64-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

15. CVS Pharmacy No. 9210 (Liquor Store) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and control for a person transfer of a series 9 (liquor store) liquor license for an existing location.

Location: 10653 N. Scottsdale Road

Reference: 65-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

16. CVS Pharmacy No. 9252 (Liquor Store) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.

Location: 14672 N. Frank Lloyd Wright Boulevard

Reference: 66-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

17. Arco AM/PM (Beer and Wine Store) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for an existing location.

Location: 10809 N. Frank Lloyd Wright Boulevard

Reference: 67-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

18. CVS Pharmacy No. 9338 (Liquor Store) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.

Location: 10781 N. Frank Lloyd Wright Boulevard

Reference: 68-LL-2006

Staff Contact(s):): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

19. CVS Pharmacy No. 9244 (Liquor Store) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 9 (liquor store) liquor license for an existing location.

Location: 4380 N. Miller Road

Reference: 69-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

20. Cat Eye Lounge (Bar) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license for an existing location.

Location: 2017 N. Scottsdale Road

Reference: 70-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

21. AZ Wine Outlet (Beer and Wine Store) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer and wine store) liquor license for a new location.

Location: 15001 N. Hayden Road, Suite 109

Reference: 71-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

22. Sabuddy (Restaurant) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

Location: 6949 E. Shea Boulevard, Suites 10A and 10B

Reference: 72-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

23. Rumbi Island Grill (Restaurant) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for a new location.

Location: 7325 E. Frank Lloyd Wright Boulevard, Suite 104

Reference: 73-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

24. 104th Street and Bell Final Plat

Request: Final plat approval Phase 2 Plat B consisting of 48 lots on approximately 19.25± acres located within a Master Planned Community near Thompson Peak Parkway and Bell Road.

Location: E. Bell Road and 104th Street

Related Policies, References:

- 9-PP-2004#2B
- Rezoning of the property (24-Z-1991)
- Infrastructure and Environmental Design Master Plans (1-MP-2004)
- Development Agreement (DA No. 2004-026-COS), amended
- Preliminary Plat Approval (9-PP-2004)
- Phase 1A Final Plat Approval (9-PP-2004#1A)
- Phase 1B Final Plat Approval (9-PP-2004#1B)
- Phase 1C Final Plat Approval (9-PP-2004#1C)
- Phase 2A Final Plat Approval (9-PP-2004#2A)

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

25. Kim Courtney's Swim School (Item No. 25 continued to September 26, 2006)

COUNCILMAN LITTLEFIELD MOVED TO CONTINUE ITEM 25. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

26. Scott Toyota Use Permit

Requests:

1. Approve a conditional use permit for modifications to existing automobile dealership (new and used sales) on a 5.2± acre parcel located at 6850 E. McDowell Road with Highway Commercial District (C-3) zoning.
2. Adopt Resolution No. 6934 affirming the conditional use permit and findings that the conditional use permit criteria have been met.

Location: 6850 E. McDowell Road

Related Policies, References:

- 9-UP-2006
- 53-UP-1984, existing conditional use permit for automobile sales and repair
- 152-SA-2005, enclosure of ground floor of existing parking garage
- 99-DR-1995#1-2, McDowell Road Streetscape Guidelines
- 64-DR-1987#1-3, Scott Toyota Development

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

27. Mayo Foundation Development Agreement Amendment

Requests:

1. Amend Development Agreement No. 960134 dated July 15, 1996 between the City of Scottsdale and the Mayo Foundation for Medical Education and Research. The amendment would reduce the size of the parcel subject to the development agreement (located at 11600 N. 84th Street north of Cholla on the west side of 84th Street).

2. Approve Resolution No. 6957 authorizing the Mayor to execute the Amended Development Agreement.

Related Policies, References: Development Agreement No. 960134

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

28. Downtown Plan Update and Scottsdale Town Hall Event

Request: Approve Resolution No. 6989 authorizing the Mayor to execute a sole source professional services contract with the Arizona Town Hall organization in the amount of \$30,000 for the purposes of facilitating a Scottsdale Town Hall event associated with Planning and Development Services work effort to update the Downtown Plan. Funds for this contract are available in CIP project account D0701, Downtown Plan Update and Special Project Implementation Study.

Staff Contact(s): John C. Little, Downtown Group Executive Director, 480-312-2539, jlittle@scottsdaleaz.gov; Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov

Frank Gray responded to questions from Council, acknowledging the following:

- The contract amount of \$30,000 is comparable to that of a market facilitator.
- The purpose of the process, which is expected to last approximately one year, is to re-establish goals, set broad goals for the future and facilitate the consolidation of seventeen different plans for downtown.
- Additional staff that was hired for long-term planning will augment the contract staff during the Town Hall process.

29. Settlement of Cox Communications v. City of Scottsdale, et al.

ITEM 29 REMOVED FROM CONSENT AGENDA FOR SEPARATE ACTION. SEE PAGE 9.

29A. Acquisition of Property for Central Arizona Project Water Treatment Plant

Request: Adopt Resolution No. 6974 authorizing acquisition of land required for construction of regulatory compliance improvements and future expansion of the City's existing Central Arizona Project Water Treatment Plant.

Related Policies, References:

- Council approved the Water Resources Master Plan on October 15, 2001.
- Council approved Engineering Services Contract No. 2001-167-COS for conceptual site plan of Central Arizona Project Water Treatment Plant (CAP WTP) expansion on November 26, 2001.
- Council approved Engineering Services Contract No. 2003-110-COS with Malcolm Pirnie, Inc. for the design of regulatory compliance improvements at the CAP WTP on July 1, 2003.
- Council approved Construction Bid Award 04PB052 to Archer Western Contractors for construction of regulatory compliance improvements at the Central Arizona Project Water Treatment Plant on June 28, 2005.
- Council approved Resolution 6800 on December 12, 2005 authorizing the City Manager or her designee to bid on three state land parcels at public auction.
- Scottsdale City Charter Section 3(A) describes City rights to acquire property.

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

29B. Intergovernmental Agreement to Accept Federal Aviation Grant

Request: Adopt Resolution No. 6993 authorizing Intergovernmental Agreement No. 2006-151-COS with the Federal Aviation Administration to accept a grant for the design and construction of several airport related projects.

Staff Contact(s): Mary O'Connor, Transportation General Manager, 480-312-2334, moconnor@scottsdaleaz.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCILMAN MCCULLAGH MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 1 THROUGH 29B, WITH THE EXCEPTION OF ITEMS 25 AND 29. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 7-0.

ITEM 29 REMOVED FROM CONSENT AGENDA:

29. Settlement of Cox Communications v. City of Scottsdale, et al.

Request: Approve Resolution No. 6986 authorizing the Mayor to enter into Contract No. 2006-146-COS between the City of Scottsdale and Cox Communications to resolve a lawsuit entitled *Cox Communications v. City of Scottsdale, et al.*, Cause No. CV2005-050137, currently pending in the Maricopa County Superior Court.

Related Policies, References: Resolution No. 6495; IGA No. 2004-091-COS

Staff Contact(s): Deborah W. Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Sherry Scott, Assistant City Attorney, 480-312-7816, sscott@scottsdaleaz.gov

Senior Assistant City Attorney Sherry Scott reviewed details of the settlement shared by the Cities of Scottsdale, Chandler, Mesa, Gilbert and Paradise Valley. Vice Mayor Lane expressed disappointment that subscribers will not get a refund unless they file a request, and believes the way Tempe handled the issue was a better approach. Mayor Manross believes the resolution is a good one and provides a more positive result than Tempe's settlement.

MOTION AND VOTE – ITEM 29

COUNCILMAN ECTON MOVED FOR APPROVAL OF ITEM 29, RESOLUTION NO. 6986. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 7-0.

REGULAR AGENDA ITEMS 30-33

30. Public Hearing on Appeal of Development Review Board Decision on 4020 Building

Request: Consider the Development Review Board's July 20, 2006 decision regarding case number 110-DR-2005, which approved the site plan and elevations for the 4020 Building. Per City Code, the Council's formal review of the decision must occur no less than 15 days and no more than 40 days following their initiation.

Reference: 110-DR-2005, Scottsdale City Code, Section 1.907(b)(c)

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Randy Grant provided a presentation outlining the background of 110-DR-205, and provided a drawing of the proposal as modified after the Design Review Board (DRB) approval.

The applicant, Peter Blied, presented drawings depicting how the concerns would be addressed. Mr. Blied pointed out the addition of shadow boxes around windows, mullions and sidewalk awnings; and the change of brick color to complement the brick on nearby buildings.

Mayor Manross opened public testimony.

Marilyn Atkinson, 3957 N Brown Av, 85251, presented drawings of the proposed building with and without brick columns, noting the visual difference and her preference for columns. Ms. Atkinson also expressed concern about the color of the brick.

Jeremy Jones, 10668 E Autumn Sage, 85255, Vice Chair of the Development Review Board, encouraged the Council to move the project forward as approved by the Development Review Board.

Douglas Sydnor, American Institute of Architects (AIA), 7468 E Willow Rain Ct, 85258, expressed concern about setting a precedent and his belief that an appeal would undermine the purpose of the Development Review Board. Mr. Sydnor said the AIA urges the Council's support of the Development Review Board approval.

Mayor Manross closed public testimony. Three additional comment cards were received from citizens not wishing to speak.

Council discussion:

- Some Council members questioned the depth of the louvered awnings and their ability to shade pedestrians from the extreme heat. They also expressed trust in the Development Review Board and staff to ensure the maximum amount of shade, especially on the south side.
- A preference for brick that matched Chase Bank, Legacy Gallery or Grimaldi's was requested, and the applicant agreed to that stipulation.
- The applicant stated that brick columns would take away from the architectural integrity of the building and create a sense of separation, and indicated his preference to retain a more open design.
- Some Council members advocated for leaving the design decisions to the Development Review Board experts, and for moving ahead on the project without additional stipulations.
- Overall, the Council was pleased with the design changes to the building.
- Staff confirmed that parking requirements for the building only allow for a furniture store or gallery.
- Some Council members pointed out that the appeal is part of an established process and the Development Review Board should not feel undermined by the Council's decision.
- The applicant was urged to assess the health of the shade trees in the planters and to replace them if necessary.

MOTION AND VOTE – ITEM 30

COUNCILMEMBER DRAKE MOVED TO APPROVE ITEM 30, 110-DR-2005, WITH TWO ADDITIONAL STIPULATIONS: THE BRICK SHALL MATCH THE BRICK AT CHASE BANK, LEGACY GALLERY OR GRIMADI'S; AND THE APPLICANT SHALL PROVIDE A CONTINUOUS SHADED WALKWAY ON THE SOUTH AND EAST WALKWAYS. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 7-0.

31. McCormick Ranch Condos

Requests:

1. Approve a non-major General Plan Amendment from "Office" to "Urban Neighborhoods" on a 2.79± acre parcel located at 8301 E. Via Paseo del Norte.
2. Rezone from Commercial Office, Planned Community District (C-O PCD) to Multiple Family District, Planned Community District (R-5 PCD) on a 2.79± acre parcel located at 8301 E. Via Paseo del Norte.
3. Adopt Resolution No. 6963 affirming the General Plan Amendment.
4. Adopt Ordinance No. 3689 affirming the rezoning.

Location: 8301 E. Via Paseo Del Norte

Related Policies, References: 14-GP-2005; 22-ZN-2005; and Case 3-ZN-2005 and Case 3-UP-2005, amended standards for the adjacent Paseo Village Center and approved a Conditional User Permit for a health studio.

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Councilman Littlefield declared a potential conflict of interest (A.R.S. § 38-501) and left the dais during discussion and vote of Item 31.

Randy Grant provided a presentation outlining the request to allow thirty-six units in nine buildings, two-to-three stories in height, noting that Planned Community District findings have been satisfied.

The applicant reviewed the site plan and the reason for the location of each building.

Council discussion:

- Councilmember Drake preferred to see the three-story buildings on the lower part of the site, which is on the back side of the shopping center, and the two-story buildings along the street. The applicant explained the relationship of the buildings to the pedestrian walkways, as well as to the topography of the property.
- Councilman Nelssen expressed concern about the impact to the quality of life for nearby residents as a result of traffic from the high-density residential use.

MOTION – ITEM 31

COUNCILMEMBER DRAKE MOVED TO APPROVE ITEM 31, 14-GP-2005, 22-ZN-2005, 3-ZN-2005 AND 3-UP-2005, SUBJECT TO AN ADDITIONAL STIPULATION THAT THE SIX TWO-STORY BUILDINGS BE LOCATED AT THE PASEO DEL NORTE FRONTAGE OF THE PROPERTY, VICE MAYOR LANE SECONDED THE MOTION.

The Council discussed the building placement aspect of the motion.

AMENDMENT TO MOTION – ITEM 31

COUNCILMEMBER DRAKE MOVED TO AMEND THE MOTION TO REQUEST THE DEVELOPMENT REVIEW BOARD (DRB) EVALUATE THE POSSIBILITY OF LOCATING THE TWO-STORY BUILDINGS IN A WAY TO CREATE A BUFFER FOR THE VISUAL IMPACT OF THE THREE-STORY BUILDINGS. VICE MAYOR LANE AGREED TO THE AMENDMENT. THE MOTION, AS AMENDED, CARRIED 5-1 WITH COUNCILMAN NELSEN DISSENTING AND COUNCILMAN LITTLEFIELD ABSTAINING.

32. Loco Patron Conditional Use Permit

Requests:

1. Approve a conditional use permit for a bar in an existing building on a 10,735± square foot parcel located at 4228 N. Scottsdale Road with Central Business District, Downtown Overlay Zoning.
2. The Applicant is also requesting the ability to lease 14 parking stalls through the in-lieu parking program. Lease of in-lieu parking requires City Council approval.
3. Adopt Resolution No. 6966 affirming the conditional use permit and findings that the conditional use permit criteria have been met.
4. Adopt Resolution No. 6969 authorizing the participation in the in-lieu parking program.

Location: 4228 N. Scottsdale Road

Related Policies, References: 8-UP-2006, General Plan, Downtown Plan

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Randy Grant and the applicant provided presentations outlined as follows:

- Criteria to be met for Conditional Use Permit (CUP)
- Forty-two parking stalls required, twenty-eight parking stalls provided, fourteen to be purchased through the in-lieu program at about \$140,000
- Series 6 licenses in Downtown
- Specific CUP Analysis
- Applicant is unable to meet the food requirement for a restaurant, but will stipulate to 30% food sales in the summer, and 40% during the peak season.
- Applicant will stipulate to return to Council each year for the next five years with a status report. The standard requirement is every two years.

Mayor Manross opened public testimony:

Michael Troyan. 10607 N Hayden Rd, 85260, spoke in support of Loco Patron and urged the Council to grant the conditional use permit.

Mayor Manross closed public testimony. Eleven additional comment cards were received from citizens in support of Item 32, but not wishing to speak.

Council discussion:

- Councilman Ecton requested an additional stipulation that the use permit would expire with a majority change of ownership. The City Attorney recommended a Development Agreement be created for that purpose, as it would be more enforceable.
- Concern was expressed about the loss of property value if the conditional use permit was not transferable.
- Councilman McCullagh raised concerns regarding parking, noting that Loco Patron has only eight on-site spaces. He questioned why Loco Patron was given twenty parking credits, and indicated that he did not support allowing the applicant additional in-lieu parking spaces to meet the parking requirement for a series 6 license.
- The applicant received confirmation that neither an application process nor fees will be required for the yearly review.

MOTION #1 AND VOTE – ITEM 32

COUNCILMAN ECTON MOVED TO APPROVE ITEM 32, 8-UP-2006, WITH AN ADDITIONAL STIPULATION FOR A DEVELOPMENT AGREEMENT STATING THAT THE USE PERMIT WILL EXPIRE WITH A MAJORITY CHANGE OF OWNERSHIP. COUNCILMEMBER DRAKE SECONDED THE MOTION.

After further discussion regarding the Development Agreement, it was determined the ownership issue was covered under Section 2L of the Administrative Section of Resolution No. 6966, Attachment 5.

THE MOTION WITH THE DEVELOPMENT AGREEMENT STIPULATION FAILED 3-4, WITH MAYOR MANROSS, VICE MAYOR LANE AND COUNCILMEMBERS DRAKE AND MCCULLAGH DISSENTING.

MOTION #2 AND VOTE – ITEM 32

VICE MAYOR LANE MOVED TO APPROVE ITEM 32, 8-UP-2006, WITH THE ORIGINAL SEVEN CONDITIONS OF APPROVAL. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 6-1 WITH COUNCILMAN MCCULLAGH DISSENTING.

33. Loco Patron (Bar) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 6 (bar) liquor license for an existing location.

Location: 4228 N. Scottsdale Road

Reference: 75-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

MOTION AND VOTE – ITEM 33

VICE MAYOR LANE MOVED FOR APPROVAL OF ITEM 33, 75-LL-2006. COUNCILMAN LITTLEFIELD SECONDED THE MOTION, WHICH CARRIED 6-1 WITH COUNCILMAN MCCULLAGH DISSENTING.

MAYOR AND COUNCIL Items 34 and 35

34. Requests from Councilmember Drake for discussion of and scheduling of work study sessions, including public comment, to discuss: a) Village Planning and Village Planning Committees for Scottsdale; and b) Discussion of Downtown Master Plan and staff presentation on the upcoming Downtown Master Plan Update.

Councilmember Drake discussed the need to lay groundwork and develop a set of plans for the growth and development of various parts of the City. She requested that public work study sessions, which would provide opportunity for public input, be scheduled to discuss village planning and the Downtown Master Plan. Staff would provide information on scope, cost and structure.

Council members expressed support for a Work Study Session.

MOTION AND VOTE – ITEM 34

COUNCILMEMBER DRAKE MOVED TO DIRECT STAFF TO SCHEDULE A WORK STUDY SESSION TO DISCUSS VILLAGE PLANNING, VILLAGE PLANNING COMMITTEES AND THE DOWNTOWN MASTER PLAN. COUNCILMAN NELSEN SECONDED THE MOTION.

City Manager Jan Dolan suggested that one work study session be scheduled to discuss village planning and another for the Downtown Master Plan.

COUNCILMEMBER DRAKE MOVED TO AMEND THE MOTION TO SCHEDULE TWO SEPARATE STUDY SESSIONS. THE SECONDER, COUNCILMAN NELSEN, APPROVED THE AMENDMENT. THE AMENDED MOTION CARRIED 7-0.

35. Request from Councilmember Nelsen to consider whether to initiate a formal City Council appeal of the Development Review Board's August 24, 2006 decision, which approved case #88-DR-2005#3 for Phase III of the SkySong Project, located at the southeast corner of McDowell and Scottsdale roads.

Related Policies, References: City Charter Article II, Section 13; City Code Section 1.907 regarding Appeals of Development Review Board Decisions

Staff Contact(s): Ed Gawf, Assistant City Manager, egawf@scottsdaleaz.gov

Councilman Nelsen urged Council to review the SkySong project, comparing it to their recent review of the 4020 Building. He noted that the Development Review Board vote on the 4020 Building was 6-1, while the vote on SkySong was 4-2. He believes that SkySong is the most important project in the City of Scottsdale right now, and that a delay of one month to consider some design and material changes would not make a difference to the project. He also suggested hiring an architect to oversee the project.

Councilman Littlefield supported Councilman Nelsen's request for additional review. He said that since SkySong had been promised to be world-class, iconic and visionary, it would be unfair to the public and send a wrong message to developers to settle for anything less.

After considering the request, the majority of Council members did not support an appeal of the case, and preferred to have the project move ahead as soon as possible.

Councilman Nelsen questioned the Council's decision to appeal the 6-1 Development Review Board vote on the 4020 Building, while allowing the 4-2 decision on the SkySong project to go through unchallenged.

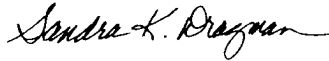
PUBLIC COMMENT - None

CITY MANAGER'S REPORT - None

ADJOURNMENT

With no further business to discuss, the meeting adjourned at 9:06 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



Carolyn Jagger
City Clerk


Officially approved by the City Council on September 19, 2006

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 29th day of August 2006.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 19th day of September 2006.



CAROLYN JAGGER
City Clerk